

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

BENJAMIN WHERRY, )  
Plaintiff, )  
v. ) C.A. No. 06-71 ERIE  
JAMES SHERMAN, et al, )  
Defendants. )

**MEMORANDUM ORDER**

Plaintiff's complaint was received by the Clerk of Court on March 21, 2006, and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The magistrate judge's report and recommendation, filed on April 28, 2006, recommended that Plaintiff's request for temporary injunctive relief [contained within Document #5] be denied. The parties were allowed ten (10) days from the date of service to file objections. Service was made on Plaintiff at FCI McKean, where he is incarcerated, and on Defendants. Objections were filed by Plaintiff on May 15, 2006. After de novo review of the pleadings and documents in the case, together with the report and recommendation and objections thereto, the following order is entered:

AND NOW, this 27<sup>th</sup> <sup>nd</sup> Day of May, 2006;

IT IS HEREBY ORDERED that the Plaintiff's request for temporary injunctive relief, contained within Document #5, is DENIED.

The report and recommendation of Magistrate Judge Baxter, dated April 28, 2006, is adopted as the opinion of the court.

*Maurice B. Cohill, Jr.*  
MAURICE B. COHILL, JR.  
United States District Judge

cc: Susan Paradise Baxter  
U.S. Magistrate Judge  
  
all parties of record \_\_\_\_\_